

Order

Michigan Supreme Court
Lansing, Michigan

April 6, 2011

Robert P. Young, Jr.,
Chief Justice

141610 & (18)

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 141610
COA: 298269
Hillsdale CC: 09-331957-FH

ADAM LEE DARR,
Defendant-Appellant.

By order of January 13, 2011, the prosecuting attorney was directed to answer the application for leave to appeal the July 9, 2010 order of the Court of Appeals. On order of the Court, the answer having been received, and the defendant's reply thereto also having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the Court of Appeals order denying leave to appeal, REVERSE the Hillsdale Circuit Court's order denying the defendant's appellate counsel's motion to withdraw, and REMAND this case to the Hillsdale Circuit Court with instructions to appoint new appellate counsel to represent the defendant in pursuing post-sentencing and/or appellate relief. The trial court erred in denying the motion to withdraw because the defendant's appointed appellate counsel informed the court that the defendant's confidential disclosures to her placed her in an irreconcilable conflict of interest, the details of which she could not disclose without violating that confidence, which was a sufficient ground for permitting her to withdraw. Appointed counsel may file an application for leave to appeal to the Court of Appeals, and/or may file any appropriate postconviction motions in the circuit court, in accordance with MCR 7.205(F), MCR 6.310(C), and MCR 6.429, except that the time for filing shall be determined based on the date of the circuit court's order appointing counsel. Counsel may include among the issues raised, but is not required to include, those issues raised in the defendant's application for leave to appeal to this Court. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should now be reviewed by this Court.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 6, 2011

Corbin R. Davis

Clerk